

ASSEMBLY BILL

No. 1908

Introduced by Assembly Member Bigelow

February 19, 2014

An act to amend Section 36101 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as introduced, Bigelow. Vehicles: farm vehicles.

Existing law exempts certain farm vehicles from registration if they have and display an identification plate, including a motor vehicle used in an agricultural operation for purposes of carrying, or returning empty from carrying, silage between one part of a farm to another part of that farm or from one farm to another farm, on a highway for a distance not to exceed 20 miles, as specified.

This bill would additionally exempt from registration a motor vehicle used in an agricultural operation for purposes of carrying, or returning empty from carrying, onions between one part of a farm to another part of that farm or from one farm to another farm, on a highway for a distance not to exceed 20 miles, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 36101 of the Vehicle Code is amended
- 2 to read:
- 3 36101. The following farm vehicles are exempt from
- 4 registration, if they have and display an identification plate as

1 specified in Section 5014, and the vehicles shall not be deemed to
2 be implements of husbandry and they shall be subject to all
3 equipment and device requirements as if registered:

4 (a) A motor vehicle of a size so as to require a permit under
5 Section 35780 owned and operated by a farmer, designed and used
6 exclusively for carrying, or returning empty from carrying, feed
7 and seed products of farming, and used on a highway between one
8 part of a farm to another part of that farm or from one farm to
9 another farm.

10 (b) A vehicle equipped with a water tank owned by a farmer
11 and used exclusively to service his or her own implements of
12 husbandry.

13 (c) A water tank truck that is owned by a farmer, not operated
14 for compensation, and used extensively in the conduct of
15 agricultural operations, when used exclusively (1) for sprinkling
16 water on dirt roads providing access to agricultural fields or (2)
17 transportation of water for irrigation of crops or trees.

18 (d) (1) A cotton module mover, as defined in Section 36012.

19 (2) In order to maintain the exemption from registration granted
20 under this subdivision for a truck tractor, when combined with a
21 semitrailer, the owner of that truck tractor shall not operate it during
22 the exemption period in any manner other than as a cotton module
23 mover, as defined in Section 36012, and shall do all of the
24 following:

25 (A) Register the vehicle with the department before operating
26 it as a commercial motor vehicle.

27 (B) Apply to the department on a yearly basis for any renewal
28 of the exemption from registration.

29 (3) Exemption from registration under this subdivision does not
30 exempt a truck tractor, when combined with a semitrailer, operating
31 as a cotton module mover pursuant to Section 36012 and this
32 subdivision from the applicable safety requirements of this code
33 or any regulation adopted pursuant to any statute, including, but
34 not limited to, equipment standards, driver licensing requirements,
35 maximum driving and on-duty hours provisions, log book
36 requirements, drug and alcohol testing, maintenance of vehicles,
37 and any driver or vehicle standards specified in Division 14.8
38 (commencing with Section 34500).

39 (4) Truck tractors exempt from registration under this
40 subdivision are subject to the fees imposed under Sections 9250,

1 9250.8, and 9250.13, and to any other vehicle fees that are imposed
2 by statute on or after January 1, 1998, that are deposited in the
3 Motor Vehicle Account.

4 (e) A trailer that is equipped with a plenum chamber for the
5 drying of agricultural commodities.

6 (f) Except as provided in subdivision (j) of Section 36005, a
7 trap wagon, as defined in Section 36016, that is equipped with a
8 fuel tank or tanks. The fuel tank or tanks shall not exceed 3,000
9 gallons total capacity.

10 (g) A forklift truck, operated by a farmer not for compensation.
11 For purposes of this section, a hay-squeeze shall be deemed a
12 forklift.

13 (h) A truck tractor or truck tractor and semitrailer combination
14 specified in this subdivision that is owned by a farmer and operated
15 on the highways only incidental to a farming operation and not for
16 compensation. This subdivision applies only to truck tractors with
17 a manufacturer's gross vehicle weight rating over 10,000 pounds
18 that are equipped with all-wheel drive and off-highway traction
19 tires on all wheels, and only to semitrailers used in combination
20 with that truck tractor and exclusively in the production or
21 harvesting of melons. The vehicles specified in this subdivision
22 shall not be operated in excess of 25 miles per hour on the
23 highways.

24 The Commissioner of the California Highway Patrol may, by
25 regulation, prohibit the vehicles specified in this subdivision from
26 operating on specific routes. These vehicles shall not be operated
27 laden on the highway for more than two miles from the point of
28 origin and shall not be operated for more than 30 miles unladen
29 on the highway from the point of origin. These vehicles shall not
30 be operated for more than 15 miles unladen on the highway from
31 the point of origin, unless accompanied by an escort vehicle to the
32 front, and an escort vehicle to the rear.

33 (i) A motor vehicle specifically designed for, and used
34 exclusively in, an agricultural operation for purposes of carrying,
35 or returning empty from carrying, silage *or onions* that is operated
36 by a farmer, an employee of the farmer, or a contracted employee
37 of the farmer between one part of a farm to another part of that
38 farm or from one farm to another farm, on a highway for a distance
39 not to exceed 20 miles from the point of origin of the trip. This

- 1 subdivision does not include a vehicle that is used for the
- 2 transportation of silage *or onions* for retail sales.
- 3 For the purposes of this subdivision, “silage” includes field corn,
- 4 sorghum, grass, legumes, cereals, or cereal mixes, either green or
- 5 mature, converted into feed for livestock.